

**THE MINUTES OF THE HOUSE STANDING COMMITTEE
ON
JUDICIARY**

Wednesday, April 19, 2006

10:30 a.m.

Room 308 House Office Building

The House Standing Committee on Judiciary was called to order by **Representative William Van Regenmorter**, Chair.

MEMBERS PRESENT: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith.

MEMBERS ABSENT/EXCUSED: None.

Chairman Van Regenmorter laid **HB 5142, HB 5143, HB 5153** and **HB 5548** before the committee:

HB 5142	Casperson	Crimes; other; criminal forcibly entering or intruding into home or vehicle; allow person to use deadly force in self-defense.
HB 5143	Jones	Crimes; other; right to self-defense and defense of others; clarify and provide for criminal and civil immunity under certain circumstances.
HB 5153	Mortimer	Crimes; definitions; flight requirement; eliminate.
HB 5548	Moore	Civil procedure; civil actions; civil action against person who uses force in compliance with self-defense act; prohibit and provide remedies.

TESTIMONY

Wayne Groth, representing Great Lakes Shooting Sports Association, testified in support of the bills.

The following people submitted a card and did not wish to speak:

Erik Hingst, representing the Deputy Sheriffs Association of Michigan (GCSI), supports the bills.

Brad Benzing, representing the Shooters Alliance for Firearms Rights (SAFR), submitted written testimony in support of the bills.

Patricia Spitzley, representing the Michigan State Bar, opposes bills, states while this position does not apply to all of the legislation, the State Bar actively opposes those provisions that would eliminate judicial discretion concerning payment of fees and costs at trial conclusion.

Ervin Portis, representing the Michigan Association of Chiefs of Police, opposes HB 5142, HB 5143, and HB 5153.

Nicolas Sutliff, representing the National Rifle Association (NRA), Michigan Gun Owners (MGO) and Shooters Alliance for Firearms Rights (SAFR), supports the bills.

Marilynn Spencer, representing herself, opposes HB 5143 and HB 5153.

Albert Lowe, representing the Michigan Pink Pistols, supports the bills.

Felix Li, representing the Shooters Alliance for Firearms Rights (SAFR) and National Rifle Association (NRA), supports the bills.

Pam Benzing, representing the Shooters Alliance for Firearms Rights (SAFR), supports the bills.

David Wiles, representing the Shooters Alliance for Firearms Rights (SAFR), supports the bills.

Michael Kelly, representing the Shooters Alliance for Firearms Rights (SAFR), supports the bills.

Ivey Adelman, representing himself, supports the bills.

Charles Nichol, representing himself, supports the bills.

Tim Ward, representing the Police Officers Association of Michigan, supports HB 5142, HB 5143 and HB 5153.

Michael Thiede, representing the Michigan Gun Owners (MGO), supports the bills.

Joel Fulton, representing the Southside Sportsman Club, supports the bills.

TESTIMONY

Je Donna Dinges, representing herself, submitted written testimony in opposition to the bills.

John Hallacy, Calhoun County Prosecuting Attorney, representing the Prosecuting Attorneys Association of Michigan, testified in opposition to the bills. Questions and discussion followed.

Vice-Chair Schuitmaker assumed the chair.

Kathryn Ross, a member of the Michigan Chapter of the Million Mom March, submitted written testimony in opposition to HB 5143 and HB 5153.

Chairman Van Regenmorter resumed the chair.

Kathy Frank, representing the Million Mom March, submitted written testimony in opposition to HB 5142 and HB 5143.

Neva Li, representing the Shooters Alliance for Firearms Rights and the National Rifle Association (NRA), submitted written testimony in support the bills.

Representative Jones moved to adopt the substitute **(H-1)** to **HB 5142**. The motion was supported by **Representative Rocca**.

The motion prevailed by a vote of **15-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico, Bieda, Virgil Smith,
Nays: None,
Pass: None.

Representative Rocca moved to report **HB 5142** with recommendation, as substitute **(H-1)**. The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **11-0-4**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Adamini and Virgil Smith,
Nays: None,
Pass: Representatives Lipsey, Condino, McConico and Bieda.

Representative Elsenheimer moved to adopt the substitute **(H-3)** to **HB 5143**. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **15-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico, Bieda, Virgil Smith,
Nays: None,
Pass: None.

Representative Elsenheimer offered the following amendments to **HB 5143 (H-3)**:

1. Amend page 2, line 13, after “apply:” by striking out the balance of the subsection and inserting:

“(a) The individual against whom force is used is in the process of breaking and entering a dwelling or committing home invasion or has broken and entered a dwelling or committed

home invasion and is still present in the dwelling, or is unlawfully attempting to remove another individual from a dwelling or occupied vehicle against his or her will.

(b) The individual using force knows or has reason to believe the individual is engaging in conduct described in subdivision (a).”.

2. Amend page 3, line 19, after “vehicle” by inserting “or commits or attempts to commit home invasion”.

Representative Elsenheimer moved to adopt the amendments. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **15-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico, Bieda, Virgil Smith,
Nays: None,
Pass: None.

Representative Newell moved to report **HB 5143** with recommendation, as substitute **(H-4)**. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **10-3-2**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, and Virgil Smith,
Nays: Representatives Lipsey, Condino and McConico,
Pass: Representatives Adamini and Bieda.

Representative Jones moved to adopt the substitute **(H-2)** to **HB 5153**. The motion was supported by **Representative Stakoe**.

The motion prevailed by a vote of **13-1-1**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, McConico, Bieda and Virgil Smith,
Nays: Representative Condino,
Pass: Representative Adamini.

Representative Jones moved to report **HB 5153** with recommendation, as substitute **(H-2)**. The motion was supported by **Representative Stakoe**.

The motion prevailed by a vote of **10-4-1**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca and Virgil Smith,
Nays: Representatives Lipsey, Condino, McConico and Bieda,
Pass: Representative Adamini.

Representative Rocca moved to adopt the substitute **(H-1)** to **HB 5548**. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **15-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico, Bieda, Virgil Smith,
Nays: None,
Pass: None.

Representative Elsenheimer moved to report **HB 5548** with recommendation, as substitute **(H-1)**. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **10-2-3**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, and Virgil Smith,
Nays: Representatives Condino and McConico,
Pass: Representatives Lipsey, Adamini and Bieda.

There being no further business to come before the committee, the Chair adjourned the meeting at 11:37 a.m.

Representative William Van Regenmorter, Chair
House Standing Committee on Judiciary

Malika Abdur-Rashid
Committee Clerk
517-373-7256
1 Hour 7 Minutes